

Trader (J.W.)

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# Criminal Abortion.

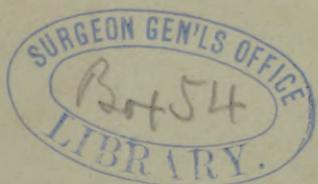
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SEDALIA, MO.

*Reprint from St. Louis Medical and Surgical Journal of November.*

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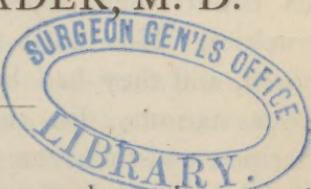
# Criminal Abortion.

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Read before the Central Missouri District Medical Association,

Sedalia, Mo., October 6th, 1874,

By JOHN W. TRADER, M. D.



It would appear, and certainly ought to be, a work of supererogation to discuss a subject, or condemn a practice, which the instincts of our nature recognize as criminally wrong, and the perpetration of which must bring a pang, momentary though it be, to the breast of humanity everywhere, however encircled by permissive or commandatory laws.

Among the many sins of the race, there are none more appalling than those which, from their two-fold character, effect both body and soul. Of this class is Criminal Abortion, the topic for our present consideration.

This is no new theme among medical men, and if it were not for the desire to bear some humble part in staying this evil, we should not seek this time and place

to speak upon a subject whose revolting features silence the tongue of the general teacher of morality. From this fact alone, it becomes the duty of this assembly and of medical men everywhere, to give forth no uncertain sound in regard to this matter, and to resolve to bear the shame in silence no longer.

Going back in the history of this crime, we find that from remote ages, and among nearly all peoples, it has had an existence. The Jews, probably, had less than any other nation. Their desire for offspring, and their rigid laws relating to murder, precluded the possibility of infanticide or foeticide. Their own historian, Josephus, appealing in honest pride to the practices of his countrymen, reproaches other nations with these cruelties. Not until their canon-law was wholly ignored, and they had become contaminated with idolatrous nations, did their king offer up his son as a sacrifice, and then the whole nation, desiring to follow his example, caused their seed to pass through the fire unto Moloch.

Among the Grecian states, this crime was upheld by her ablest men, and in fact, infanticide was sanctioned by law. Aristotle taught this doctrine in his work on government, and adds, "If this idea be repugnant to the character of the nation, fix at least the number of children in each family; and if parents transgress the law, let it be ordained that the mother shall destroy the fruit of her body before it shall have received the principles of life and sensation."

The Romans were no less noted for their inhuman treatment of their offspring, both before and after birth. The law delegated to the father supreme control over the lives and fortunes of his family; and if the law

did not openly and positively endorse foëticide, it certainly never punished any one guilty of the crime. "At first, in the most simple and virtuous periods of their history, it was no doubt exercised only under a supposed manifest necessity. As luxury and vice increased in one portion of the community, and with it poverty in another, it came to be practiced on the slightest occasion and for the basest purposes." Juvenal, in his satire on women, in referring to the fashionable and rich lady of his day, says:—

" You seldom hear of the rich mantle spread,  
For the babe, born in the great lady's bed.  
Such is the power of herbs; such art they use,  
To make them barren, or their first to lose."

Among the ancient Germans, infanticide or foëticide was not tolerated by their laws or practiced by individuals. In this respect they bear a marked contrast to the Romans. The mothers reared their own children and would not trust them to the care of nurses. Tacitus, in his account of the manners of the Germans, says of them, "that to set limits to the population by rearing up only a certain number of children and destroying the rest, is accounted a flagitious crime;" and adds, "among the savage Germans, virtuous manners operate more than good laws in other countries."

The Goths, also called savages or barbarians by the Romans, did not tolerate foëticide or infanticide. Although practiced in a few instances by individuals, it was not sanctioned by their laws. For we find in a code of the Visigoths a positive prohibition against these practices. "It was death to give a woman drugs to procure abortion, and equally criminal if that effect should follow a stroke, or any willful injury."

Coming down from the history of the ancient world to that of the present day, we find this crime prevalent throughout nearly all Asia, Europe, Africa, and the Isles of the Sea. The Chinese are notorious in their disregard for those natural ties that should distinguish a human being, and their law far excels in cruelty the *patria potestas* of the Romans in allowing the promiscuous slaughter of the innocents. If a father sees fit to slay his child, it is considered his prerogative, and the law not only tolerates the deed, but, "on the contrary, it appears rather to be encouraged, inasmuch as persons are employed by the police of the city of Pekin to go through the different streets every morning, in carts, to pick up all the children that may have been thrown out during the night. No inquiries are made, but the bodies are carried to a common pit without the walls of the city, into which all, whether dead or living, are promiscuously thrown."

The Japanese, although forbidden by law, often murder their children and produce abortion without being called to account. "The crime of producing abortion is said to be very frequent, and Captain Golowan, of the Russian Navy, who was a captive among them for three years, says that some of the priests are charged with making a trade of selling decoctions of woods for this purpose."

The Hindoos carry infanticide and foeticide to such an alarming extent as to beggar description. These atrocities have been known to exist among them for over two thousand years, as both Greek and Roman history notice it, and refer to places where it is now known to exist. In some of the provinces, thirty

thousand infants, according to good authority, perish annually by the hand of violence.

In no part of the world, however, has this crime presented itself with more glaring enormities than in the South Sea islands. No woman that has ever borne children among them but has been guilty of the destruction of her issue. When Captain Cook visited these islands, he reported a population of two hundred thousand souls. "In less than thirty years after, this terrestrial paradise, blessed with a genial climate and a luxuriant soil, was reduced to some seven or eight thousand." The mode in which the children were destroyed was by piercing them, before being born, with a piece of bamboo, or should matters be delayed until after the birth of the child, it was immediately strangled or stamped to death.

This crime also prevails in all its horrid forms among the Sandwich Islanders. The only difference, apparently, existing between them and those last named is, that while the Tahiti spared their infants, if they were so fortunate as to escape the executioner for ten minutes after birth, the Sandwich Islanders did not hesitate to destroy their children at any time during their adolescence. In the earlier history of this people, infanticide was exclusively practiced, but now, while through fear, this has ceased to be done openly, they do not hesitate, at imminent peril to the mother, to produce abortion at the fourth or fifth month.

In the Kings-Mills Islands, a woman never allows her family to exceed three. If mothers become pregnant after the third child is born, they resort to systematic abortion. The plan adopted, while it is less barbarous than some of the plans resorted to among us,

who claim a higher degree of enlightenment, is nevertheless effectual, and the women pass through the ordeal with rarely the loss of life.

In the Fiji Islands, one-half of all the conceptions are supposed to be destroyed before the period of gestation is complete. This is usually by the command of the father, "at whose instance the wife takes the necessary steps to destroy her child." In New South Wales, the mothers procure abortion whenever they consider that their families are likely to become a burden by their rapid increase, the mothers often falling victims to the process. The New Zealanders, the Hottentots, and the inhabitants of Madagascar, are all guilty of infanticide. In Arabia, child murder was a common occurrence until the days of Mahommed; to his honor be it said, this practice was interdicted, and in the Koran it is several times alluded to and reprobated. The oath required of all who joined his party, was to this effect: "That they should renounce all idolatry, that they should not steal, nor commit fornication, *nor kill their children*, nor forge calumnies, and that they should obey the prophet in all things that were reasonable." Notwithstanding this stringent prohibition, the Mahomedans of the present day attach very little criminality to foeticide. The Turkish woman employs professional abortionists, who seem to be very skillful in the art, rarely allowing a family to exceed two or three children in number. The lords of the harem, also, command their wives to procure abortion whenever their progeny threaten to become too numerous.

In modern Egypt, abortions are common among all classes. It seems to surprise no one, and the women

miscarry with astonishing indifference, without being subject to criminal investigation.

In Iceland, even, this crime is permitted as an heirloom of their Norwegian ancestors.

Among all the inhabitants of the Old World do we find the pages of their history blackened by this record of crime. From time immemorial to the present, it has had an existence. The kings upon the throne, as well as the peasants in the field, have yielded a willing assent to this nefarious business; and of some it is said that the thresholds of royalty were crimsoned with the blood of infants who, perhaps, had never breathed the air of heaven—whose cries were never heard, and whose destruction caused no regrets.

Turning from the Old to the New World, we will find this crime no less prevalent. From Hudson's Bay, in the north, to the land of the Montezumas, and all over the two American continents, this revolting crime has had an early and strong hold. The savage Indian caused the mother to miscarry or destroy her infant because they did not wish to be encumbered in their nomadic wanderings, with helpless beings, while the more intelligent Mexican, "delighted in human sacrifice, and kept the altars of their divinities drenched with the blood of infants."

Among the nations above named, these acts may be cited as remnants of barbarism, and as belonging to an age which had received no benefit from Christianity and civilization. Yet it does not stop here. Those who are not only civilized but christianized, are likewise guilty. We find that, in the early history of Christianity, a necessity was laid upon the high officers of the church to speak against their ungodly practice and ex-

onerate their members from this iniquitous offense. Teutullian, in his apology, in referring to the custom of foeticide so common among the Romans, says: "But Christians now are so far from homicide, that with them it is utterly unlawful to make away with the child in the womb, when nature is in deliberation about the man; for to kill a child before it is born, is to commit murder by way of advance; and there is no difference whether you destroy a child in its formation, or after it is formed and delivered; for we Christians look upon him as a man who is one in embryo, for he is being like the fruit in the blossom, and in a little time would have been a perfect man, had nature met with no disturbance."

Minutius Felix, a cotemporary of Justin Martyr, while strongly endorsing his views in regard to the exposition of infants after birth, further adds: "Nay, some of you will not give them the liberty to be born, but by cruel potions procure abortion, and smother the hopeful beginnings of what would come to be a man in his mother's womb."

As Christianity spread, and its salutary influence was felt among the rulers and the people, a change soon manifested itself in public opinion regarding child-murder in all its forms. In the year 315, the Emperor Constantine the Great issued a decree for Italy, and in the year 322, another for Africa, ordaining that all children, born of parents whose limited means would not permit them to raise and properly care for their offspring, should be cared for at the public expense. He also ordered, at the same time, that severe punishment should be inflicted on cruel fathers. But this does not seem to have stopped the crime, and we find

it still existing up to the end of the fourth century when, according to Mr. Gibbon, such murders were included by Valentinian and his colleagues, in the letter and spirit of the Cornelian law.

Notwithstanding the many difficulties surrounding the earlier Christians, we find effort everywhere among them to suppress this vice. The custom of human sacrifice was common among the nations around them, and this without molestation from civil tribunals, except to add fuel to the holocaust, by offering their own babes to appease the wrath of their gods. Saturn, it was asserted, ate his own children, and him the idolatrous nations worshiped. The fathers of the church no doubt hailed with gladness the edicts that were calculated to suppress a crime that was not only so repugnant to them and the better feelings of humanity, but contrary to moral rectitude, and dishonorable to God. It would not be expected with them, that this crime would be left to tarnish the record, much less find an advocate in the church two thousand years hence, with all the experience of the past to guide them. But such is the case. And the evidence will bear out the assertion, that *in no age of the world* has there been a more reckless disregard for the lives of unborn human beings than in this present age, and among the civilized and professedly christianized nations of the earth. All Europe is full of this diabolical sin to-day; and what makes the crime the more revolting, is the fact of the high state of civilization enjoyed by all—or nearly all trans-Atlantic states.

The Western hemisphere, standing but a little way behind the inhabitants of the Eastern in all the advantages that should go to make a people good and great,

have not been slow to imitate the follies of their illustrious ancestors. In this particular, at least, they may be said to have arrived at that period in their history when they can demonstrate, beyond peradventure, the possibility of the disciple being above his master and the servant above his lord. As graphically portrayed by an eminent American teacher, whose language we adopt, "We blush, while we record the fact, that in this country, in our cities and towns, where literature, science, morality, and Christianity are supposed to have much influence, where all the domestic and social virtues are reported as being in full and delightful exercise, even here individuals, male and female, exist, who are continually imbruining their hands and consciences in the blood of unborn infants; yea, medical men are to be found, who, for some trifling pecuniary recompense, will poison the fountains of life, or forcibly induce labor, to the certain destruction of the foetus, and not unfrequently of its parent.

"So low, gentlemen, is the moral sense of the community on this subject, so ignorant are the greater number of individuals, that even mothers, in many instances, shrink not from the commission of this crime, but will voluntarily destroy their own progeny, in violation of every natural sentiment, and in opposition to the laws of God and man. Perhaps there are few individuals, in extensive practice as obstetricians, who have not had frequent applications made to them by the fathers or mothers of unborn children (respectable and polite in their general appearance and manners) to destroy the fruit of illicit pleasure under the vain hope of preserving their reputation by this unnatural and guilty sacrifice.

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" Married women, also, from the fear of labor, from indisposition to have the care, the expense, or the trouble of children, or some other motive equally trifling and degrading, have solicited the embryo should be destroyed by their medical attendant. And when such individuals are informed of the nature of the transaction, there is an expression of real or pretended surprise that any one should deem the act improper, much more guilty ; yea, in spite even of the solemn warning of the physician, they will resort to the debased and murderous charlatan, who, for a piece of silver, will annihilate the life of the fœtus, and endanger even that of its ignorant or guilty mother.

" This low estimate of the importance of fœtal life is by no means restricted to the ignorant or to the lower classes of society. Educated, refined, and fashionable women—yea, in many instances, women whose moral character is in other respects without reproach, mothers who are devoted, with an ardent and self-denying affection to the children who already constitute their family, are perfectly indifferent respecting the fœtus in utero. They seem not to realize that the being within them is indeed *animate*, that it is in verity, a human being, body and spirit, that it is of importance, that its value is inestimable, having reference to this world and the next; hence, they in every way neglect its interests. They eat and drink; they walk and ride; they will practice no self-restraint, but will indulge every caprice, every passion, utterly regardless of the unseen and unloved embryo. They act with as much indifference, as if the living, intelligent, immortal existence lodged within their organs were of no more value than the bread eaten, or

the common excretions of the system. Even where mothers have suffered from repeated abortions, where foetus after foetus has perished through their neglect or carelessness, and where even their own health is involved in the issue, even in such cases every obstetrician can bear testimony to the great difficulty of inducing his wayward patients to forego certain gratifications, to practice certain self-denials, and to adopt efficient means for the salvation of the child.

"This is not all. We can bear testimony that in some instances the woman who has been well educated, who occupies high station in society, whose influence over others is great, and whose character has not been impugned, will deliberately resort to any and every measure which may effectually destroy her unborn offspring. Ashamed, or afraid to apply to the charlatan, who sustains his existence by the price of blood, dreading, it may be, publicity, she recklessly and boldly adopts measures, however severe and dangerous, for the accomplishment of her unnatural, her guilty purpose. She will make extra muscular effort by long, fatiguing walks, by dancing, running, jumping, kept up as long as possible; she will swallow the most nauseous, irritating and poisonous drugs, and in some instances, will actually arm herself with the surgeon's instrument, and operate upon her own body, that she may be delivered of an embryo, for which she has no desire, and whose birth and appearance she dreads.

"These facts are horrible, but they are too frequent and too true. Often, very often, must all the eloquence and all the authority of the practitioner be employed; often, he must as it were, grasp the conscience of his weak and erring patient, and let her know in language

not to be misunderstood, that she is responsible to her Creator for the life of the being within her."—(Introductory Lecture on Criminal Abortion, by Hugh L. Hodge, M. D.)

There is not a gentleman here, in all probability, who has not at some period of his professional experience, and probably often, been called upon and consulted in regard to this matter; and not only solicited but urged to become a participant in this crime. So intense is the feeling upon this subject, that some women, expecting to become mothers, or loathing the pregnant state, will tell you that they will do any thing in the world—even suffer death—before they will bear another child. In the circumscribed limits of personal experience, no doubt but that persons would be found seeking, daily, advice upon this subject, if it was thought their pleas would be heard or requests granted.

In our own community, any one at all acquainted with the facts, who claims a sense of moral rectitude to guide him, can but stand appalled, not only at the frequency of criminal abortion, but at the total disregard, among the people, of those principles that should characterize professed Christians in this very important affair. Without casting any odium upon the clergy (for they are certainly at times very wrongfully and unnecessarily abused), who display such commendable zeal for the spread of truth and the moral elevation of mankind in other particulars, yet it is to be feared that they have failed to decry this growing evil, or to speak in such unmistakable terms of condemnation as to expose the wrong. The priests of old, when Israel was being led astray by the wicked offerings in the valley of Hinnon "were ever faithful to their trust, and

warned the people of the utter desolation that awaited them if they did not cease to shed innocent blood." —(2 Kings, 21).

The medical profession should stand in solid phalanx with the teacher of morality against this national sin, which is rapidly becoming, not only a general but special calamity, affecting not alone the broad wastes of the savage home, but lurking like an evil demon over our own cities, and invading their hearthstones.

Legislation can never suppress this crime any more than it can cleanse the heart of depravity, or remove the turpitude of sin. The laws may be ever so stringent and threatening, but who cares to become prosecutor, with a long line of respectable citizens arraigned before the bar of justice, and the indicter not in a condition probably, to throw stones. Our lawyers, as a general thing, are too astute to allow such a favorable opportunity to pass, to *draw out the evidence*, which in nine times out of ten, would result in making judge, jury, and witness *particeps criminis* with the accused.

We do not affirm, neither would we have you think for a moment that the *onus* of this guilt lies at the feet of woman. Far from it. In a majority of the cases, they are more sinned against than sinning. When the reformation begins in earnest, it must begin with us men who have been the aggressors, who in every age have first suggested this crime, and who in every age have compelled the execution of it. But few women who have a manly arm to lead them and a manly breast to lean upon, would ever think of such unnatural and inhuman deeds. The chords of their hearts do not beat in unison to such infernal strains. When so far

led astray as to err, it is not without first standing aghast before the

“ Monster of horrid mein,  
Which to be hated needs but to be seen.”

Yet man, who is supposed to be the stronger being, suggests and leads the way, while confiding woman follows on, little thinking, perhaps, that her gallant knight is but a false Pyramus who seeks only the gratification of his lust, while her garments, all stained with blood, lie strewn around the tomb of Ninus.

One of the most disgusting scenes through which we, as professional men, have to pass, is that in which one of our own sex will so far emasculate himself, as he sneaks into our office, and requests us to produce abortion upon his own wife, or her whom he has seduced, simply because he does not wish to be encumbered with a family, or have his errant duplicity exposed. No less culpable is he who, ignoring all natural laws, in trying to make his wife sterile, succeeds only in making her a confirmed invalid.

In conclusion, abortion is a crime, in the first place, against the State. For by the increase of our families do we expect, not only to preserve our race, but to supply all the vocations of a happy and prosperous people. Our legislative halls must have legislators; our pulpits must have a live ministry; our professions must be perpetuated—the ground tilled and the vast resources of the country developed. The sea, also, must be traversed, and the command obeyed, to replenish the earth.

This is a crime, in the second place, against the family. It was evidently intended by the Creator that all government—all legislation should proceed from the

family. Hence the family should be a kind of empire within itself, whose right of primogeniture is inherent and alike entailed, not upon one only, but each individual member. From this centre radiate the materials and principles, from which all power emanates, in the social fabric of the universe.

In the third place, abortion is a crime against the individual practicing it. Any woman systematically producing abortion upon herself will as assuredly suffer, as that natural laws attach penalties to their transgressions.

It is a crime, in the fourth place, against the welfare of the soul. If we are permitted to witness the many dangers that environ our bodies, when subjected to such procedures, and the deformities that cling to them, and to feel the pains that rack our frames until they are dissolved and pass away ; who can be able to comprehend the great and irreparable damage done the soul, which passes not away, but lives on forever,

“Enrobed with light, and naturalized in Heaven,”

or else doomed to

“Doleful shades, where peace  
And rest can never dwell.”

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